

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TODD LEVON,

Plaintiff,

v.

Case No. 11-15663

Honorable Nancy G. Edmunds

MARLBOROUGH ESTATES, LLC,
F&M CONSTRUCTION, INC.,
MARLBORO DETROIT, LLC,
ROCHESTER ESTATES OF
PINECREEK, LLC, THE MATTEO FERRO
LIVING TRUST, MATTEO FERRO AS
TRUSTEE OF THE MATTEO FERRO
LIVING TRUST, FORTZA INVESTMENTS, LLC,
MATTEO FERRO and FRANK FERRO,

Defendants.

ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter comes before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation. It is further ordered that Defendants' motion to dismiss is GRANTED, Plaintiffs motion for 60 days to file an amended complaint is DENIED AS MOOT, Plaintiffs motion for leave to amend is DENIED AS FUTILE, and Plaintiff's ERISA claims are DISMISSED WITH PREJUDICE. The Court declines supplemental jurisdiction over Plaintiff's remaining state law claims, and, therefore, those claims are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 6, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 6, 2012, by electronic and/or ordinary mail

s/Carol A. Hemeyer
Case Manager